

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0270

SENATE STATE AFFAIRS ENGROSSED NO. **HB 1018** - 3/1/2010

Introduced by: The Committee on Commerce at the request of the State Unemployment Insurance Advisory Council

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding unemployment
2 insurance benefit eligibility of part-time workers and to provide additional unemployment
3 insurance benefits to workers attending approved training.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No individual may be denied regular benefits based on availability for work pursuant to
8 subdivision 61-6-2(3), actively seeking work pursuant to rules promulgated pursuant to § 61-6-
9 2, or refusal to accept work pursuant to § 61-6-15, solely because the individual is seeking only
10 part-time work, if the department determines that a majority of the weeks of work in the
11 individual's base period were for less than full-time work. For purposes of this section, seeking
12 only part-time work, means seeking work that has comparable hours to the individual's part-time
13 work experience in the individual's base period.

14 Section 2. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 In addition to and subsequent to payment of all benefits otherwise allowed under this chapter
3 and without restriction with respect to an individual's benefit year, training extension benefits
4 shall be payable to any individual if all of the following criteria are met:

- 5 (1) The individual is unemployed;
- 6 (2) The individual has exhausted all rights to regular and extended benefits;
- 7 (3) The individual is enrolled, no later than the end of the benefit year established with
8 respect to the separation that makes the individual eligible for the training benefit,
9 and making satisfactory progress, as determined by the secretary, in a training
10 program approved by the department, or in a job training program authorized under
11 the Workforce Investment Act of 1998. Each such training program shall prepare the
12 individual who has been separated from a declining occupation, as determined by the
13 department, or who has been involuntarily and indefinitely separated from
14 employment as a result of a permanent reduction of operations at the individual's
15 place of employment, for entry into a high-demand occupation, as determined by the
16 department; and
- 17 (4) The individual is not receiving similar stipends or other training allowances for
18 nontraining costs.

19 The amount of unemployment compensation payable under this section to an individual for
20 a week of unemployment shall be equal to the individual's weekly benefit amount for the
21 individual's most recent benefit year, less deductible earnings or income, if any. The total
22 amount payable under this section to any individual shall be equal to twenty-six times the
23 individual's weekly benefit amount for the individual's most recent benefit year. The former
24 employer's experience-rating account may not be charged for benefits paid under this section.